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LEGISLATION IN FORCE IN NOVA SCOTIA TO
PREVENT THE IMPORTATION AND SPREAD OF
INSECTS AND DISEASES INJURIOUS
TO PLANTS

LEGISLATION IN FORCE IN NOVA SCOTIA TO PREVENT THE IMPORTATION AND SPREAD OF INSECTS AND DISEASES INJURIOUS TO PLANTS.

By W. H. Brittain, Provincial Entomologist.

A considerable proportion of the worst enemies of plant life on this continent are of foreign origin and some of them are of comparatively recent importation. Realizing the importance of preventing the further introduction of such pests, the various federal, state and provincial governments have, of late years, brought into force various regulations providing suitable machinery for dealing with this danger.

The following pages only deal with provincial legislation; a full account of the Dominion regulations, which refer to Nova Scotia in common with the rest of Canada, may be found in Bulletin No. 12, Second Series, Department of Agriculture, Ottawa. In general explanation it may be said, that inspection of nursery stock from other parts of Canada and also, by agreement with the Dominion Government, from the United States of America, is performed by provincial inspectors. Stock originating in other countries is inspected by officials of the Dominion Entomological Branch. The authority under which the inspection of the Dominion and the provincial inspectors perform their duties will be found in the Dominion Act entitled "The Destructive Insect and Pest Act," and the provincial statute entitled, "The Injurious Insect Pest and Plant Disease Act, 1911," and the various regulations issued under these two Acts.

The Provincial Act.

The following is the text of the Provincial law:—

An Act to Prevent the Introduction and Spread of Insects, Pests, and Plant Diseases Destructive to Vegetation.

(Passed on the 31st Day of March, A. D. 1911)

Be it enacted by the Governor, Council and Assembly, as follows:—

1. This Act may be cited as "The Injurious Insect Pest and Plant Disease Act, 1911."

2. In this Act and in any regulation made thereunder, unless the context otherwise requires:—

"Vegetation" means any tree, shrub, vine or plant, or the fruit of any portion whatsoever of a tree, shrub, vine or plant.

"Inspector" means an inspector or other officer appointed under the provisions of this Act for carrying out this Act.

3. This Act shall apply only to such plant disease, insects and pests as the Governor-in-Council may from time to time declare to be injurious to vegetation and subject to this Act.

4. The Governor-in-Council may from time to time make such regulations as are deemed expedient to prevent the introduction into the Province of Nova Scotia or the dissemination therein of any such plant disease, insect or pest.

5. Such regulations may provide:—

(a) that except as is otherwise provided in such regulations, it shall be unlawful for any person to have in his possession in the Province, or in any particular part thereof at any time or during any particular time or times, any vegetable or other matter that the Governor-in-Council deems to be likely to introduce into the Province or to disseminate therein any such plant disease, insect or pest;

(b) the terms of conditions upon which any person may lawfully have in his possession any such vegetable or other matter;

(c) for the treatment and method of treatment to be given to any vegetation, vegetable matter or premises, to eradicate, or control, or to prevent the spread of any such plant disease, insect or pest, and such regulations may prescribe whether such treatment shall be given by the owner or by a person appointed for the purpose;

(d) for the treatment, prior to the sale or disposal thereof of any vegetation or vegetable matter infected with any such plant disease or pest;

(e) that the occupier of the premises on which is discovered any such plant disease, insect or pest, shall immediately notify the Secretary for Agriculture thereof, and shall also send specimens of such plant disease, insect or pest, to the said secretary;

(f) for the seizure and confiscation of any vegetable matter and the container, if any, in respect to a breach of this Act, or of any regulation made thereunder, is committed;

(g) generally for or respecting the doing or abstaining from the doing of any act, matter or thing whatsoever that the Governor-in-Council may deem expedient for carrying out this Act, whether such regulations are of the kind enumerated in this section or not.

6. The Provincial Secretary may appoint inspectors and such other officers as he deems expedient for carrying out this Act and the regulations made thereunder. Such inspectors and other officers shall act under the direction of the Secretary for Agriculture.

7. Any inspector may enter any place or premises whatsoever in which he suspects that any such plant disease, insect or pest exists.

8. Any person contravening or neglecting to carry out or offering any hindrance to the carrying out of any provision of this Act, or of any regulation made thereunder, shall be liable, upon summary conviction, to a fine of not less than twenty dollars, nor more than one hundred dollars, together with costs, and in default of payment to imprisonment for a period of not less than ten or more than thirty days.

9. Every Order-in-Council made under this Act shall be published in two successive issues of the Royal Gazette, but every such Order-in-Council and every such regulation shall nevertheless be in force on and from the date on which the same is made.

10. The Black Knot Act, Chapter 63, of the Revised Statutes of Nova Scotia, 1900, and the San Jose Scale Act, Chapter 64, of the Revised Statutes of Nova Scotia, 1900, are repealed.

Amendments.

On May 14, 1914, the Act was amended as follows:

1. Section 3 of Chapter 3 of the Acts of 1911, entitled, "An Act to Prevent the Introduction and Spread of Insects, Pests and Plant Diseases Destructive to Vegetation" is repealed and the following substituted therefor:—

2. This Act shall apply to such plant diseases, insects and pests as the Governor-in-Council may, from time to time, declare to be subject to the Act.

On April 15, 1915, the Act was amended as follows:—

Section 5, Chapter 3 of the Acts of 1911, entitled "An Act to prevent the introduction and spread of insects, pests and plant diseases destructive to vegetation," is amended by adding thereto the following additional clause:—

(h) for the payment of such fees as are thought necessary to meet the cost of inspection and fumigation at the port of entry.

Regulations.

The following regulations are those that have been passed from time to time under the provisions of the Injurious Insect Pest and Plant Disease Act, 1911. Regulations that have been modified or repealed are omitted.

1. Definitions.

"Provincial Entomologist" means the person appointed as such for carrying out the provisions of "The Injurious Insect, Pest and Plant Disease Act, 1911", or under the provisions of any other statute.

"Inspector means a person appointed for carrying out the provisions of said Act and the regulations made thereunder.

"Nursery Stock" means and includes all trees, shrubs, plants, vines, grafts, scions, cuttings and buds, but shall not include green-house grown plants, herbaceous perennials and bedding plants.

Insects and Plant Diseases Subject to the Act.

The following plant diseases and insect pests have been declared to be subject to the Injurious Insect, Pest and Plant Disease Act, 1911, viz:

The San Jose Scale (*Aspidiotus perniciosus* Comst.); the Brown-tail Moth (*Euproctis chrysorrhoea* L.); the Gypsy Moth (*Porthetria dispar* L.); the Woolly Aphis (*Schizoneura lanigera* Hausm.); the Black Knot (*Plowrightia morbosa* Sac.); Apple Canker (*Nectria ditissima* Tul.); Powdery Scab of Potatoes (*Spongospora subterranea*); Fire Blight (*Bacillus amylovorus*), Apple Maggot (*Rhagoletis pomonella* Walsh); Cherry Fruit Fly (*Rhagoletis cinguiata*); Cherry Fruit Fly (*Rhagoletis fausta*).

Duties of General Public as Regards Pests Subject to the Act.

1. Except as is otherwise provided in these regulations, it shall be unlawful for any person to have in his possession, offer for sale, or otherwise dispose of in the Province at any time, any vegetable or other matter that is infested with any such insect, pest or plant disease, said vegetable or

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other matter being deemed and hereby declared by the Governor-in-Council to be likely to introduce into the Province and disseminate therein such plant diseases, insects and pests.

2. The occupier of the premises on which is discovered any such plant disease, insect or pest shall immediately notify the Secretary for Agriculture thereof, and shall also send specimens of such plant disease, insect or pest to the said secretary, and shall give him all the information possible in reference to any such infestation.

4. The owner of the premises on which is discovered any such plant disease, insect or pest, or on which an inspector suspects that any such plant disease, insect or pest exists, shall, within ten days after being notified in writing by an inspector to do so, give such treatments as are recommended by the Secretary for Agriculture.

*Powers of the Secretary for Agriculture and of the Inspectors
Appointed for Carrying out the Provisions of the Act.*

1. The Secretary for Agriculture may authorize, by writing under his hand, any person to have in his possession, in the Province of Nova Scotia, any such plant disease, insect or pest for the purpose of scientific investigation only.

2. If any such plant disease, insect or pest is discovered in any nursery, the Secretary for Agriculture shall, on the report of an inspector, inform the owner, manager or lessee of such nursery of the fact, and no vegetation shall be removed from such nursery until permission in writing so to do has been obtained from the Secretary for Agriculture.

3. Any inspector may forthwith seize and confiscate any vegetable matter and the container, if any, in respect to which a breach of said Act or of any of these regulations is committed.

4. Where any inspector finds San Jose Scale present on any trees, he may order the immediate destruction of such trees, and such order shall be carried out under the supervision of the inspector and in such manner as he may direct.

5. Any inspector may himself destroy any trees which he finds infested as aforesaid.

6. Any order for destruction made hereunder may include the destruction of any trees which in the opinion of the inspector, by reason of their proximity to trees having thereon living scale, may have them infected.

Regulations Regarding the Importation of Nursery Stock.

1. Certification.

(a) No imported nursery stock shall be delivered to any importer or consignee within the province of Nova Scotia unless the same is accompanied by a certificate signed by such Provincial Entomologist or other authorized Government Officer as is approved by the Secretary for Agriculture, that the nursery or other premises on which the same was grown was inspected within the period between the fifteenth day of June and the fifteenth day of September next preceding the shipment thereof, and that said nursery or other premises were found to be apparently free from San Jose Scale and such other plant diseases, insects and pests as have been declared to be injurious to vegetation by the Governor-in-Council under the provisions of "The Injurious Insect Pest and Plant Disease Act, 1911", provided that any importation of nursery stock which has complied with the regulations of the Department of Agriculture of Canada shall be exempted from the provisions of those regulations, except any importation or nursery stock from the United States of America.

(b) No common carrier, express company or any other person, firm or corporation shall send, bring or cause to be sent or brought into the Province of Nova Scotia, for delivery within the Province, any nursery stock unless the certificate mentioned in the next preceding regulation, or a duplicate thereof, is attached to each parcel or bundle thereof, provided however, that if such nursery stock is contained in a sealed car containing no other goods, such certificate may be attached to the car.

2. Duties of Importers of Nursery Stock and of Agents of Carrying Companies, with Respect to the Act.

(a) Every person who imports nursery stock shall give notice to the Provincial Entomologist, Agricultural College, Truro, within five days of giving the order for the same, and shall again notify the Provincial Entomologist on the arrival of the shipment in Nova Scotia. Notice shall also be given the Provincial Entomologist by every common carrier, express company or other person, firm or corporation bringing nursery stock into Nova Scotia, for delivery within the Province immediately such nursery stock is received. Such notice shall include the name of the consignor and consignee, the points of origin and destination, the name of the company or person carrying the nursery stock, as well as the nature, quantity and origin of same.

(b) At the ports hereinafter mentioned all importations of nursery stock shall be inspected and fumigated in the fumigation house provided for that purpose, and a certificate of fumigation will be issued by the Provincial Entomologist, and no nursery stock shall be delivered by any common carrier, express company or any other person, firm or corporation, unless such certificate has been obtained.

(c) If, for any reason, any package or packages of nursery stock from any other province of Canada or from the United States of America, should arrive at its destination without a certificate signed by the Provincial Entomologist, then such package or packages shall immediately be shipped back to the nearest fumigation station for inspection and fumigation.

The agent of any carrying company who delivers any such package or packages of nursery stock without such a certificate, or any person accepting delivery of the same, shall be guilty of a contravention of the Act.

3. *Ports of Entry and Duration of Inspection Seasons.*

(a) No nursery stock shall be brought into Nova Scotia for delivery within the Province except at or through the ports of entry and during the periods hereinafter mentioned; that is to say:—Digby, Digby Co., from March 15th to May 15th, and from Oct. 7th to December 7th. Truro, Colchester Co. from March 15th to May 15th, and from October 7th to December 7th.

(b) The Secretary for Agriculture may prescribe for the purpose of this regulation, any port at which the use of a Dominion fumigation station is available.

(c) Importations by mail are prohibited.

(d) The Secretary for Agriculture, at his own discretion, may permit, by writing under his hand, any person importing nursery stock into Nova Scotia, to have the same inspected and fumigated on such person's own premises, provided that such nursery stock is imported in not less than car-load lots, and facilities are provided to the satisfaction of the Provincial Entomologist; such nursery stock to be inspected and fumigated in the presence of a duly qualified inspector, who shall thereupon issue a certificate of inspection and fumigation.

4. *Marking of Packages and Responsibility for Possible Losses.*

There shall be clearly marked or otherwise indicated on every package of nursery stock intended for delivery within the Province of Nova Scotia, the port at or through which such nursery stock is to be bought, and all shipments of nursery stock shall be entirely at the risk of the shippers or consignees, the Government assuming no responsibility whatever.

5. *Disposal of Infested Material.*

If, on inspection, nursery stock or other vegetation or vegetable matter is found to be infected with the San Jose Scale, or any other plant diseases, insects, and pests as have been or may hereafter be, declared to be injurious to vegetation by the Governor-in-Council, under the provisions of the "Injurious Insect Pest and Plant Disease Act, 1911," such nursery stock shall be destroyed to the extent deemed necessary by the inspector, and in his presence, or, if required by the consignee, shipped out of the Province at the expense of the consignee. All cases, packages and packing in which such nursery stock has been contained shall also be destroyed in the same manner.

6. *Inspection Fees.*

The fees which shall be paid, and which are thought necessary to meet part of the cost of inspection and fumigation at the Ports of Entry, shall depend upon the class of nursery stock to be imported, as will be hereinafter explained.

A minimum fee of not less than 30 cents shall be paid on all shipments, however small. This minimum fee may be increased to a sum not exceeding 50 cents at the discretion of the inspector, when, in his estimation, conditions warrant the increase. In cases where the charge is not stated for any given number of trees, this minimum charge shall apply.

Class I.

This class shall consist of fruit and ornamental trees, all kinds, 5 feet high and upwards, the measurement not to include roots, but only that part which stands above the surface of the ground when planted. It includes apples, pears, cherry, plum, peach and other fruit trees, together with shade and ornamental trees of all kinds.

Not exceeding 25 trees, a fee of 4 cents per tree.

Exceeding 25 trees, a fee of \$1.00 for the first 25 trees and 3 cents per tree for each tree over 25 but not exceeding 50.

Exceeding 50 trees, a fee of \$1.75 for the first 50 and 2 cents per tree for each tree over 50 but not exceeding 100.

Exceeding 100 trees, a fee of \$2.75 for the first 100 trees and $\frac{1}{2}$ cent per tree for each tree over 100 but not exceeding 250.

Exceeding 250 trees, a fee of \$3.50 for the first 250 trees and 2-5 cents per tree for each tree over the first 250 trees.

Class II.

This class shall consist of fruit and ornamental trees as described in Class I, but under 5 feet in height, and also including ornamental shrubs 3 feet high or over; roses of all kinds and bush fruits, gooseberries, currants etc., two years old or more.

Not exceeding 50 plants a charge of 2 cents per plant, provided the fee totals not less than 30 cents, in which case the minimum fee shall apply.

Exceeding 50 plants, a fee of \$1.00 over the first 50 and $\frac{1}{2}$ cent per plant for each plant over the first 50, but not exceeding 250 plants.

Exceeding 250 plants, a fee of \$2.00 for the first 250 plants; for every 50 plants, or fractional part of 50 plants, after the first 250 plants, an additional fee of 15 cents.

Class III.

This class shall consist of ornamental shrubs under 3 feet high, ornamental vines and creepers; hedge plants over 12 inches high; bush fruits one year old; also cuttings, scions, etc.

Not exceeding 50 plants a charge of 2 cents per plant, provided the fee totals not less than 30 cents, in which case the minimum fee shall apply.

Exceeding 50 plants, a fee of \$1.00 for the first 50 and $\frac{1}{2}$ cent per plant for each plant over the first 50, but not exceeding 250 plants.

Exceeding 250 plants, a fee of \$1.70 for the first 250 plants, and for every 100 plants or fractional part of 100 plants after the first 250, an additional fee of 25 cents.

Class IV.

This class includes nurserymen's importations for transplanting and growing in nurseries in Nova Scotia. It includes root grafts, dormant buds, fruit tree seedlings, fruit tree stock of all kinds, scions, bud sticks, etc.

Not exceeding 500 plants the fee shall be the same as under Class 3.

Exceeding 500 plants the fee shall be \$2.35 for the first 500, and for every 100 plants or fractional part of 100 plants, after the first 500, an additional fee of 20 cents.

Class V.

This class shall consist of cane fruit of all kinds, raspberries, blackberries, etc., and of grape vines.

Not exceeding 50 plants, a fee of 30 cents shall be charged.

Exceeding 50 plants a fee of 30 cents for the first 50 and 2-5 cent additional for each plant over 50, but not exceeding 250 plants.

Exceeding 250 plants, a fee of \$1.10 for the first 250 and for every 100 plants or fractional part of 100 plants, after the first 250 plants, an additional fee of 20 cents.

Where the invoice price of any shipment, as is shown by the invoice submitted to H. M. Customs for entry of said shipment, in the case of goods originating outside the Dominion of Canada, or in an invoice accompanying the manifest in the case of goods from other Provinces in the Dominion of Canada, shall equal or exceed the sum of \$75.00, then the charges shall be computed according to the least charge made under any or all, class or classes, without regard to any certain number in any one class.

Importers of stock from other parts of the Dominion of Canada, who wish to avail themselves of this minimum rate, must have their manifest accompanied by an invoice showing the value of the goods to be in excess of \$75.00. The value expressed in said invoice must reasonably agree with the known wholesale market prices current at the time of importation. If the inspector has reason to believe that the price expressed in the invoice does not represent the real value of the goods, he may require the invoice to be sworn to, or where this is not practicable, may value the same himself, according to the prevailing market price, and his decision in this matter shall be final.

An additional charge not exceeding 50 per cent of the regular charge, may be made at the discretion of the inspector, when from indifference or neglect on the part of the importer of the stock, the work of the inspector is made more difficult in any way. For example where a lditional expense is required for the disinfection or destruction of infested stock, or where the importation would naturally be subject to greater risks of infection than would naturally obtain if the importer had exercised due care to avoid infestation in making his purchases, or where the stock is notably defective in quality, etc.

A discount not exceeding 25% of the regular charge may be made, in exceptional cases, at the discretion of the inspector, when conditions are such that the work of the inspector is greatly lessened, as in cases where the importer buys the stock in a market known to be free from all dangerous pests, makes his purchases in car-load lots packed in the cars without boxes, etc.

In all matters of classification, the inspector is not bound to have regard to the description given or implied by the invoice or other description accompanying the shipment; the matter of classification shall always be at the discretion of the inspector making the examination. In cases of appeal from the decision of the local inspector, the matter shall in all cases be referred to the Provincial Entomologist, whose decision shall be accepted as final.